

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**Case No. 8:03-CR-77-T-30TBM**

**HATEM NAJI FARIZ**

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**RESPONSE TO MOTION OF TIMES PUBLISHING COMPANY  
FOR ACCESS TO SEALED RECORDS**

Defendant, Hatem Naji Fariz, by and through undersigned counsel, respectfully submits this response to the Motion of Times Publishing Company for Access to Sealed Documents (Doc. 1584), specifically requesting the unsealing of ten documents. Mr. Fariz states:

Mr. Fariz joins in the United States' response (Doc. 1590) regarding Sealed Documents S-16 and S-17. Mr. Fariz would additionally object to access to these documents, since unsealing these documents would interfere with Mr. Fariz's Sixth Amendment right to a fair trial. *See United States v. Noriega*, 917 F.2d 1543, 1547-49 (11th Cir. 1990) (discussing court's "broad discretion to balance First Amendment interests with a criminal defendant's Sixth Amendment right to a fair trial," and reiterating that "*Sixth Amendment rights of the accused must be protected always.*") (emphasis in original; citations omitted); Local Rule 4.10(e). The Court should maintain these documents under seal, since otherwise there is a substantial probability that Mr. Fariz's right to a fair trial would be

prejudiced and there are no alternative procedures that would protect Mr. Fariz's rights. *Noriega*, 917 F.2d at 1549.

Mr. Fariz would similarly object to unsealing Sealed Document Dkt No. 1100 (filed 5/19/05) for the reasons stated above.

Finally, Mr. Fariz objects to unsealing any of the remaining documents that would interfere with Mr. Fariz's trial rights under the Sixth Amendment. *Noriega*, 917 F.2d at 1547-49.

Accordingly, Mr. Fariz respectfully submits this response to the Motion of Times Publishing Company for Access to Sealed Records (Doc. 1584).

Respectfully submitted,

R. FLETCHER PEACOCK  
FEDERAL PUBLIC DEFENDER

/s/ M. Allison Guagliardo  
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Attorney for Defendant Fariz

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 14th day of June, 2006, a true and correct copy of the foregoing has been furnished by CM/ECF, to Walter Furr, Assistant United States Attorney; Terry Zitek, Assistant United States Attorney; Cherie L. Krigsman, Trial Attorney, U.S. Department of Justice; Alexis L. Collins, Trial Attorney, U.S. Department of Justice; and Alison M. Steele, Attorney for Intervenor, Times Publishing Company.

/s/ M. Allison Guagliardo  
M. Allison Guagliardo  
Assistant Federal Public Defender